

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
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UNITED STATES OF AMERICA)

Plaintiff,)

vs.)

MARQUISE ANTOINE REYNOLDS)

Defendant.)

2006 MAY -4 P 4: 05

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Case No.: 2:06cr64-MHT

MOTION TO TRANSFER DEFENDANT BACK
TO THE CUSTODY OF THE STATE OF ALABAMA

COMES NOW, defendant Marqise Antione Reynolds, by and through his undersigned counsel, and move this Honorable Court for an Order to have the United States Marshal Service, Middle District of Alabama, transfer and or otherwise return him to the custody of the State of Alabama, Montgomery County Detention Facility, Sheriff D. T. Marshall. In support thereof, defendant shows the court as follows:

1. On or about March 22, 2006, the United States filed a *Petition for Writ of Habeas Corpus Ad Prosequendum* to have the Montgomery County Detention Facility deliver the defendant to the United States Marshal or Deputy United States Marshal and for said Marshal or Deputy to bring the defendant before this Honorable Court for arraignment. This court issued said writ and the defendant was delivered and arraigned on April 20, 2006.

2. Prior to his delivery, the defendant was in the custody of the State of Alabama at the Montgomery Detention Facility as sentenced by Montgomery County Circuit Court Judge, The Honorable Eugene Reese. *State of Alabama v. Marqise Reynolds*, CC-05-1599. Pursuant to said sentence, the defendant is to complete alcohol and drug counseling offered within

Montgomery County Detention Facility by Lighthouse Counseling Center, Inc. Upon his successful completion of the program, the defendant was to be brought back before Judge Reese for review for his release on probation. The defendant completed the program on April 5, 2006. He was to appear in Montgomery County Circuit on May 2, 2005 and when his case was court's called he was unavailable because the United States Marshal Service had not returned the defendant from the Montgomery City Detention Facility to the custody of the State of Alabama at the Montgomery County Detention Facility. Defendant submits that the failure of the United States Marshal to return him to the custody of the State of Alabama at the conclusion of his arraignment is causing him undue prejudice as he is unable to appear for his State court proceeding. Indeed, this court reserved the issue of the defendant's bond on the charges underlying his indictment in this case pending Judge Reese acting on the defendant's State case upon the defendant's completion of the Lighthouse Program. The undersigned counsel represented to this Honorable Court at the defendant's arraignment that this Court revisit the issue of bond upon further orders by Judge Reese in the defendant's State case. However, Judge Reese is unable to act because of the United States Marshal Service's failure to return the defendant to the custody of the State of Alabama at the conclusion of his arraignment on April 20, 2006.

WHEREFORE, PREMISES CONSIDERED, defendant prays that this court will issue an order that he be returned by the United States Marshall Service to the custody of the State of Alabama, Montgomery County Detention Facility. The Court's granting this motion will not prejudice the United States of America in the above-styled cause as prior to the issuance of the *Writ of Habeas Corpus Ad Proseuendum* the United States Marshal Middle District of Alabama had a "detainer" against the defendant in the event that he was granted release from custody of

the State of Alabama.

Respectfully submitted,



Amardo Wesley Pitters, Esquire
Attorney for the Defendant
Alabama State Bar No.: 8989-T64A

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on this the 4 day of May, 2006, a copy of the foregoing
was duly served upon the following:

Hon. A. Clark Morris
Assistant United States Attorney
Office of the United States Attorney
Criminal Division
Middle District of Alabama
Post Office Box 197
Montgomery, Alabama 36101-0197

via United States Postal Service.



Amardo Wesley Pitters, Esquire